

1 BILL NO. R-84-09-02

2 RESOLUTION NO. R- 108-84

3

4 A RESOLUTION FINDING, DETERMINING
5 AND RATIFYING AN INDUCEMENT RESOLUTION
6 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
7 AUTHORIZING THE ISSUANCE AND SALE OF
8 \$300,000.00 ECONOMIC REVENUE BONDS OF THE
9 CITY OF FORT WAYNE, INDIANA,
10 FOR THE PURPOSE OF INDUCING THE APPLICANT,
11 AZAR'S INCORPORATED
12 TO PROCEED WITH THE ACQUISITION
13 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

14

15 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
16 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
17 bonds for the financing of economic development facilities, the
18 funds from said financing to be used for the acquisition,
19 construction and equipping of said facilities, and said facili-
20 ties to be either sold or leased to another person or directly
21 owned by another person; and

22

23 WHEREAS, Azar's Incorporated (the "Applicant") has advised
24 the Fort Wayne Economic Development Commission and the Issuer that
25 it proposes that the Issuer acquire and equip an economic develop-
26 ment facility and sell and/or lease the same to the Applicant or
27 loan proceeds of an economic development financing to the Applicant
28 for the same, said economic development facility to be construction
29 of a 6,000 square foot office building addition at 1010 North
30 Coliseum Blvd., Fort Wayne, Indiana, for use as corporate offices
31 together with costs of issuance (the "Project"); and

32

33 WHEREAS, the diversification of industry and an increase in
34 8 jobs to be achieved by acquisition and construction and
35 equipping of the Project will be of public benefit to the health,
36 safety and general welfare of the Issuer and its citizens; and

37

38 WHEREAS, having received the advice of the Fort Wayne
39 Economic Development Commission, it would appear that the
40 financing of the Project would be of public benefit to the

health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

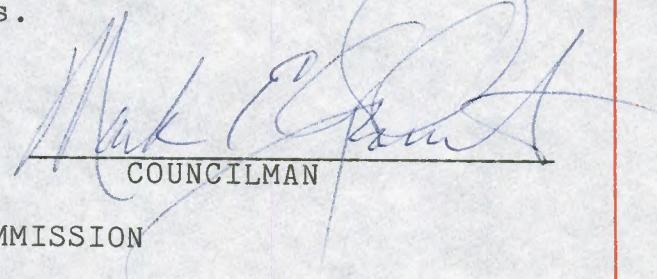
SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

1 SECTION 4. In order to induce the Applicant to proceed
2 with the acquisition, construction and equipping of the Project,
3 the Common Council hereby finds, determines, ratifies and con-
4 firms that (i) it will take or cause to be taken such actions
5 pursuant to the Act as may be required to implement the afore-
6 said financing, or as it may deem appropriate in pursuance
7 thereof, provided that all of the foregoing shall be mutually
8 acceptable to the Issuer and the Applicant; and (ii) it will
9 adopt such ordinances and resolutions and authorize the execu-
10 tion and delivery of such instruments and the taking of such
11 action as may be necessary and advisable for the authorization,
12 issuance and sale of said economic development bonds.

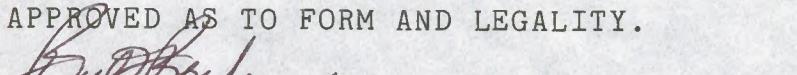
13 SECTION 5. All costs of the Project incurred after the
14 passage of this Inducement Resolution, including disbursement or
15 repayment of the Applicant of monies expended by the Applicant
16 for planning, engineering, interest paid during construction,
17 underwriting expenses, attorney and bond counsel fees, acqui-
18 sition, construction and equipping of the Project will be per-
19 mitted to be included as part of the bond issue to finance said
20 Project, and the Issuer will thereafter either sell or lease the
21 same to the Applicant or loan the proceeds of such financing to
22 the Applicant for the same purposes.


COUNCILMAN

25 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
26 AND APPROVED AS TO FORM.

27 
John J. Wernet, Attorney for the
28 Economic Development Commission
Dated this 10th day of September, 1984

29 APPROVED AS TO FORM AND LEGALITY.

30 
Bruce O. Boxberger, City Attorney
31 Dated this 10th day of September, 1984

Read the first time in full and on motion by GiaQuinta, seconded by Salviers, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 1984, the 19 day of September, at 10:00 o'clock A.M., E.S.T.

DATE: 9-11-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Salviers, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>7</u> | <u>0</u> | <u>0</u> | <u>2</u> | <u></u> |
| <u>BRADBURY</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |
| <u>BURNS</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |
| <u>EISBART</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |
| <u>GiaQUINTA</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |
| <u>HENRY</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |
| <u>REDD</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |
| <u>SCHMIDT</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>✓</u> | <u></u> |
| <u>STIER</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>✓</u> | <u></u> |
| <u>TALARICO</u> | <u>✓</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u></u> |

DATE: 9-25-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. Q-108-84 on the 25th day of September, 1984.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Bay-Larbor
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1984, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of September, 1984, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

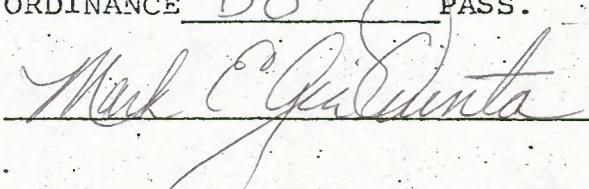
BILL NO. R-84-09-02

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT
RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING
THE ISSUANCE AND SALE OF \$300,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF
FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, AZAR'S
INCORPORATED TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING
OF THE PROJECT

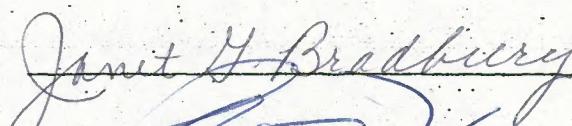
HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

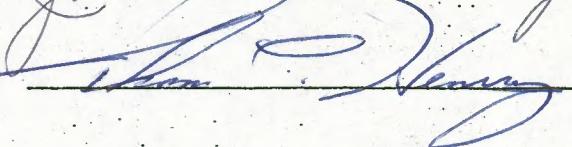


JAMES S. STIER, VICE CHAIRMAN

JANET G. BRADBURY



THOMAS C. HENRY



DONALD J. SCHMIDT

CONCURRED IN

SANDRA E. KENNEDY, CITY CLERK

9-25-84



APPLICATION TO FORT WAYNE, INDIANA,
ECONOMIC DEVELOPMENT COMMISSION
FOR ECONOMIC DEVELOPMENT
REVENUE BOND FINANCING

(1) Applicant's name, as shown on Articles of Incorporation, if a corporation:

Azar's, Incorporated

(2) State of Incorporation (or governing state law if other than a corporation):

Indiana

Principal Place of Business:

1010 N. Coliseum Blvd., Fort Wayne, IN 46805

(3) Type of business organization (if other than a corporation):

N/A

(4) Purpose of business:

To provide food and lodging services

(5) Is the applicant qualified to do business in Indiana? Yes

(6a) Please list names and titles of principal operating officers:

Alexander A. Azar, Chairman of the Board & CEO

David A. Azar, President

Jerry L. Clingenpeel, Executive Vice-President

(6b) Please list names of all persons or firms having an ownership interest of 10% or more in the applicant:

Alexander A. Azar 50%

David A. Azar 50%

(6c) Please list names of any persons who are both (a) officers or members of the Economic Development Commission; or members of the Common Council of the City; or members of the Allen County Council; and (b) shareholders or holders of any debt obligation of the applicant:

N/A

(7) Has any person listed in (6a) or (6b) been (a) convicted of a felony, (b) convicted of or enjoined from any violation of state or federal securities laws, or (c) a party to any consent order or entry with respect to an alleged state or Federal securities law violation, in each case within ten years preceding the date of this application?

N/A

(8) What is applicant's net worth as of the end of the calendar or fiscal year quarter next preceding the date of the application?

Net worth at January 1, 1984 (Corporations year-end)
\$3,637,268.00

(9) How long has applicant been in business (a) under its present name, and (b) under any prior names? Please supply, if applicable.

30 years (Incorporated 1954)

(10) What is the proposed amount of the bond issue?

\$300,000.00

(10a) How are the proceeds of the issue to be used? (Itemize by category of expenditure).

To construct a 6,000 square foot office building addition and thus free old existing office building for commissary expansion.

(10b) If the proceeds of the issue are not estimated to be sufficient to acquire, construct and/or remodel, and equip the proposed project, itemize the additional expenditures which will be necessary and indicate the source of such funds.

Proceeds are estimated to be sufficient.

(11) Where is the proposed project to be located? (Give street address):

1010 North Coliseum Boulevard, Fort Wayne, IN 46805
(See attached floor plan)

(11a) Is the project solely within the city limits of Fort Wayne? If not, give the name of the Township and/or other municipality in which it is located):

Yes

(11b) Is the property solely within the Fort Wayne Community School District? (If not, state the name of the School District in which it is located):

Yes

(11e) What is the approximate size of the tract or parcel on which the project is to be situated?

Approximately an *8,000 square foot area adjacent to the existing office building located at 1010 N. Coliseum Blvd. Ft. Wayne, IN 46805

(11d) If the proposed project or a portion thereof is to be subleased to another entity or entities, name the entity or entities and describe the portion to be subleased. If no sublease is contemplated, please indicate.

N/A

(12) What is the nature of the business to be conducted at this location?

Corporate offices

(13) Does existing zoning clearly permit construction and operation of the proposed project?

Yes

a) - What is the existing zone?

B4-B

b) - What zone does project require?

B4-B

(14) Will the proposed project have ready access to (a) water, and (b) sewers, or will construction (by extension or otherwise) of these facilities by municipal or county authorities be required?

Project has ready access to (A) and (B)

(15) Are septic tank or other temporary sewage treatment and disposal facilities to be used in lieu of sewers?

No

(16) Describe briefly any adverse environmental impact anticipated by reason of operation of the proposed project, with particular reference to air, noise or water pollution.

None

(17) If the project is constructed, will any existing jobs be lost by reason of reduction or cessation of operations (a) in the City or Allen County, or (b) elsewhere in Indiana?

No

(19) Describe briefly by category the nature of the new jobs to be created.

See attached

(19a) State the number of new jobs to be created.

See attached

(20) What additional annual payroll will the new jobs create in (a) Fort Wayne, (b) Allen County, (c) Indiana, after the proposed project is in full operation?

See attached

(21) If the proposed project would not be approved for tax-exempt financing, is there any substantial possibility that loss of existing jobs would occur in (a) the City or County, or (b) the State of Indiana? If the answer to either (a) or (b) is affirmative, what would be the approximate number of jobs lost and the approximate net annual dollar amount of payroll loss?

None

(22) Has the proposed project been informally reviewed by bond counsel to determine whether it is in accordance with applicable state and federal law? If so, by what firm of bond counsel?

Yes-Rothberg, Gallmeyer, Fruechtenicht and Logan

(23) Have tentative or final arrangements been made for sale of the bonds? Describe briefly any such arrangements.

No

(24) Describe briefly the proposed method of financing? (direct loan, lease, sale, etc.)

Direct loan

Dated:

July 25, 1984

Azar's, Incorporated
Applicant

By Jerry Clingenpeel

State name, address and phone number or person to be contacted and given notice about this application:

Jerry Clingenpeel, Executive Vice-President
Azar's Incorporated

1010 North Coliseum Boulevard
Fort Wayne, Indiana 46805

Phone: (219) 424-1972

NOTE: The applicant should attach hereto copies of its financial statements (and those of any proposed guarantor, if any), preferably audited, for the three calendar years preceding the date of this application. If the obligations of the applicant and/or payment of principal of any interest on the bonds are to be guaranteed by an entity other than the applicant, please supply answers to questions 1-7 inclusive, with respect to the proposed guarantor.

Forward application to:

John E. Hoffman
(City Attorney and Counsel for the Fort Wayne
Economic Development Commission)
1212 Anthony Wayne Bank Building
Fort Wayne, Indiana 46802
Phone: (219) 423-3331.



FOOD AND LODGING SERVICES

ALEXANDER A. AZAR, CHAIRMAN OF THE BOARD

DAVID A. AZAR, PRESIDENT • JERRY L. CLINGENPEEL, EXECUTIVE VICE-PRESIDENT

Question 19

It is anticipated that the number of new jobs will be created in clerical positions, accounting positions, payroll and insurance positions, data processing positions, and warehousing/production positions.

Question 19a

It is believed that in the next five (5) years, a total of 8 to 10 new jobs will be created

Our Company is at a point that it is unable to grow internally as we begin our expansion of business externally. Expansion will create new office jobs as follows:

- 1) We are at a size that necessitates our own supply company (china, flatware, paper goods, maintenance supplies, etc.) to supply 37 restaurants and two hotels in three states. This will add at least two (2) new inventory/purchasing clerks, the purchase of a delivery van, and the hiring of one (1) driver for the van.
- 2) Accounting, data processing and our payroll departments will be adding at least three (3) new positions (one in each) to handle the present overflow of paperwork and the newly created paperwork from expansion.
- 3) The addition would allow most of the present office personnel to move into the new addition, leaving the old area available for our badly needed Commissary space. The Commissary is at capacity and no more room is available for warehousing. There exists presently a need to add one new full-time baker and one new part-time warehousemen, but it is anticipated that at least four (4) new office jobs would be created as the Commissary expands into the old office area.

We are presently discussing with Stan Leddier, the owner of the Marketplace of Canterbury, the leasing of space to set up what is anticipated to be the first of many retail bakery outlets. Whether this outlet is in the Marketplace of Canterbury or in some other areas is irrelevant at this time, but it does reflect the need that as these satellite outlets are created, new bakery jobs at our Commissary will be created, perhaps as many as three (3) new full-time bakers, as we go to operating three shifts as compared to the present two shifts.

In summarizing the above, the office addition will allow us room to add three (3) new office positions, but, by freeing up the existing office

space to expand our Commissary operations, another possible six (6) new jobs could be created (2 inventory/warehouse clerks, 1 van driver, 3 bakers).

Question 20

Approximately \$ 35,000 annually immediately
Potentially 71,000 annually by expanding the Commissary
\$106,000